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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Victor Teresa-Molina,
10 Petitioner,

11 v.

12 Frank Strada, et al.,
13 Respondents.
14

No. CV-19-02154-PHX-DJH

ORDER

15 Pending before the Court is Petitioner's Amended Petition for Writ of Habeas
16 Corpus pursuant to 28 U.S.C. § 2254 (Doc. 5) to which Respondents filed a Limited
17 Answer (Doc. 11). Following a thorough and comprehensive analysis, Magistrate Judge
18 Burns recommended denial of and dismissal with prejudice of the Petition. (Doc. 12).

19 Judge Burns advised the parties that they had fourteen days to file objections and
20 that the failure to timely do so "may result in the acceptance of the Report and
21 Recommendation by the district court without further review. (Doc. 12 at 8) (citing
22 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*)). Petitioner
23 has not filed an objection and the time to do so has expired. Respondents have also not
24 filed an objection. Absent any objections, the Court is not required to review the findings
25 and recommendations in the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1989) (noting
26 that the relevant provision of the Federal Magistrates Act, 28 U.S.C. § 636(b)(1), "does
27 not on its face require any review at all . . . of any issue that is not the subject of an
28 objection."); *Reyna-Tapia*, 328 F.3d at 1121 (same); Fed.R.Civ.P. 72(b)(3) ("The district

1 judge must determine de novo any part of the magistrate judge's disposition that has been
2 properly objected to.”).

3 Nonetheless, the Court has reviewed Judge Burns's comprehensive and well-
4 reasoned R&R and agrees with its findings and recommendations. The Court will,
5 therefore, accept the R&R and dismiss the Petition. *See* 28 U.S.C. § 636(b)(1) (“A judge
6 of the court may accept, reject, or modify, in whole or in part, the findings or
7 recommendations made by the magistrate judge.”); Fed.R.Civ.P. 72(b)(3) (same).

8 Accordingly,


9 **IT IS ORDERED** that Magistrate Judge Burns's R&R (Doc. 12) is **accepted** and
10 **adopted** as the order of this Court.

11 **IT IS FURTHER ORDERED** that the Amended Petition for Writ of Habeas
12 Corpus pursuant to 28 U.S.C. § 2254 (Doc. 5) is **denied** and **dismissed with prejudice**.

13 **IT IS FURTHER ORDERED** that pursuant to Rule 11(a) of the Rules Governing
14 Section 2254 Cases, a Certificate of Appealability and leave to proceed *in forma pauperis*
15 on appeal are **denied** because dismissal of the Petition is justified by a plain procedural
16 bar and jurists of reason would not find the procedural ruling debatable.

17 **IT IS FURTHER ORDERED** that the Clerk of Court shall terminate this action
18 and enter judgment accordingly.

19 Dated this 14th day of January, 2020.

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21 
22 Honorable Diane J. Humetewa
23 United States District Judge
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